



## CERTIFICATE OF MAILING UNDER 37 CFR §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: November 6, 2006 Name: Gregory H. Zavia - Reg. No. 48,059 Signature: Gregory Zavia

BRINKS  
HOFER  
GILSON  
& LIONE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Yasuyuki KawashimaAppln. No.: 10/821,732Filed: April 8, 2004For: Methods for Measuring Bacteria,  
Bacteria Measuring Apparatuses,  
and Storage Media for Storing  
Computer-Executable Programs for  
Analyzing BacteriaExaminer: Clark D. PetersenArt Unit: 1657Attorney Docket No.: 11333/38Sysmex Ref. No.: 1-2002-090US

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

## TRANSMITTAL

Sir:

## Attached is/are:

- ☒ Transmittal (in duplicate); Response to Restriction Requirement and Election;  
☒ Return Receipt Postcard

## Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 CFR § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

## Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

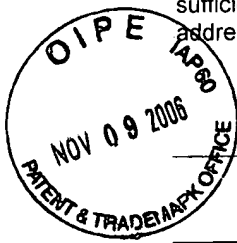
Respectfully submitted,

November 6, 2006  
Date

Gregory Zavia  
Gregory H. Zavia (Reg. No. 48,059)

JFC

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
on November 6, 2006

Date of Deposit

Gregory H. Zavja - Reg. No. 48,059

Name of applicant, assignee or  
Registered Representative

*Gregory H. Zavja*  
Signature

*November 6, 2006*  
Date of Signature

Our Case No. 11333/38  
Sysmex Ref. No. 1-2002-090US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yasuyuki Kawashima

Serial No. 10/821,732

Filing Date: April 8, 2004

For: Methods for Measuring Bacteria,  
Bacteria Measuring Apparatuses,  
and Storage Media for Storing  
Computer-Executable Programs for  
Analyzing Bacteria

Examiner: Clark D. Petersen

Group Art Unit No. 1657

## RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the Restriction Requirement mailed October 6, 2006, Applicant respectfully requests entry of the following remarks, which begin on page 2 of this communication.